

Questions and Answers/October 3, 2007 Webstream

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1. Is the policy statement a board approved statement which I prepare (using the DESE suggestions we received), is it a new Board policy created by our policy company, or is it something less formal? I was unsure of how to take that requirement to my superintendent.

Answer: If this question is referring to a district policy to use RtI for LD eligibility, then yes, we recommend you have your board to adopt the policy; however, we would not require it be a board adopted policy in order to meet IDEA compliance.

2. Just clarification, it is not a violation of FERPA for a parent to observe their child in their child's special education classroom, correct? This does not violate confidentiality of the other students with disabilities in that special education classroom, correct?

Answer: Correct, it is not a violation of FERPA for a parent to observe their child in the classroom.

3. A question about the requirement for 2 notifications for an IEP meeting: I am not aware of any place in the Fed regs, State Plan or Compliance Manual that specifies Notifications for 2 different dates. Will districts be found out of compliance if challenged on this issue (and two notifications were given for the same date)?

Answer: The requirement for two attempts to obtain parent participation at an IEP meeting is interpreted to mean attempts at two separate scheduled meetings. The department has required this based on the "attempts" language that has been in IDEA for many years.

4. You stated that students would need to be on a standards based IEP to qualify for the map A for 2% is that a current requirement that needs to be in place for the application that is due this month?

Answer: The MAP-A is not the same as the 2% modified assessment option discussed in today's webstream. The 2% option, now in No Child Left Behind Act regulations, allows a state to develop a modified assessment; however, for a child to participate, his IEP must be standards-based.

5. May a district use a substitute to deliver homebound services?

Answer: Yes, a teacher holding a substitute certificate may be used to deliver homebound services; however, it is strongly recommended that a special education certificated teacher act as a "case-manager" to help ensure implementation of the IEP.

6. Clarification: For students whose parents have decided to homeschool but wish to access related services, can the related service be provided in the home or should the parents be required to bring the student to the public school site?

Answer: It is up to the school district whether to provide services to the homeschool student in the home; however, as homeschooled kids in Missouri are treated as private school kids, your school district attorney may be reluctant to have you go on-site at the home to do this. It is reasonable to require the parent to bring the child to the school to receive services.

7. Will DESE provide guidance/instructions for completion of the Verification of Excess Costs form?

Answer: There is no plan at this time to expand the directions for completion; however, our staff is happy to walk you through this. Please call Debbie Gerlette in our Funds Section. We will consider further guidance/instructions for the future once we get a feel for the concerns.

8. Can an early childhood student identified in his domicile district be served in another district at parent request? Who is responsible for compliance issues? Who counts him?

Answer: Yes, the child can be served in another district, assuming the home district agrees to do this, and can find another district willing to serve. ECSE child count should be reported by the district of residence, not the serving district. The exception to this is in St. Louis County, where students are reported by the serving district. The district serving the child is responsible for "compliance" (assuming what is meant by that is implementation of the IEP.)

9. Who is responsible for re-evaluation of students who are placed at the State Schools for the Severely Handicapped? Obviously the school district should be involved, but who is required to complete the evaluations?

Answer: Re-evaluations of children in SSSH, are the responsibility of the home district.

10. I have heard that districts need to write a policy to use RTI and a policy to use the discretionary method for identifying LD students or is it only required for RTI?

Answer: A district must have a policy in place if it wants to use RtI to identify students as LD; no policy is needed to continue to use the discrepancy model.

11. Is there an IQ criteria for MAP-A students?

Answer: No, there is no set IQ level; however, students who are severely cognitively impaired are the type of students one would expect to be found eligible for the MAP-A.

12. Do you see DESE ever coming up with an electronic evaluation report after they do the IEP??

Answer: Not in the near future. Let's explore an electronic state IEP, and state progress monitoring tool first!

13. If a student is homeschooled and is being considered for SLD, is the observation done in the home as the educational setting of the student?

Answer: An observation of a homeschooled child can be done in the home.

14. Will there be a MAP test at the high school level next year or only end of course testing? What will the alternate end of course test look like?

Answer: There will be end of course exams, instead of the MAP, at the high school level, beginning next year. The contract for development of the end of course exams was just awarded, so we don't know yet exactly what it will look like but it is being worked on.

15. Some state are already using AIMSweb (a commercial web-based progress monitoring system) as a progress monitoring across the state (Nebraska, Iowa) - will you be attempting to look at something like that so we have data for a growth model?

Answer: Once we determine whether to proceed with a state-wide electronic IEP system, we will explore obtaining AIMSweb for school district use.

16. Can a Section 504 student receive special education and related services like an IEP student or is Section 504 accommodation only?

Answer: If a student who is only identified under Section 504, is in need of special education, one would wonder whether the evaluation was deficient in not finding the student eligible for IDEA. In general, students who are only identified under Section 504, are not expected to be in need of special education. So I would first suggest a "reevaluation" under IDEA eligibility criteria.

17. What is your recommendation, if any? Do you believe districts should continue to use objectives and/or benchmarks on IEPs?

Answer: An across the board recommendation is just not possible. There may be districts, schools, or individual children that would warrant continuing to use objectives.

18. We have a student with an IEP that is enrolled full day in our school. Parent has enrolled child in MOVIP for supplemental services. Are we required to do more than send MOVIP a copy of the IEP?

Answer: If a parent has chosen to purchase a course from MoVIP, to supplement the already full time program the district is providing, you

are not required to do anything, but it would be great if you can send the IEP to MoVIP, to help MoVIP provide the accommodations and modifications needed to that child. That child would receive modifications and accommodations by MoVIP, based on Section 504.

19. Is it true that there is a cap on the number of MAP-A students allowable in Advanced and Proficient categories?

Answer: Yes. There is a 1% limit on the number of students who can be categorized as advanced and proficient under the MAP-A.

There is much confusion about the 1% - even our own Assessment Section had difficulty helping me answer this one.

The best information I have at this point is that the 1% cap refers to 1% of all students who are taking the MAP for that grade and subject. Any MAP-A proficient or advanced scores in excess of the 1% level must be considered below proficient for AYP calculations. Actual student scores aren't changed.

20. When referring to exceeding the 1% for MAP-A, do you mean that if more than 1% of you MAP-A students score in Adv. or Prof. then the district needs to provide an explanation or does the 1% refer to you total MAP population?

Answer: Again, there is a lot of confusion about how to answer this, but the best information I have at this point is that the 1% refers to 1% of all students who are taking the MAP for that grade and subject.

21. Could a student who is deaf potentially take the MAP-A if deafness is his primary diagnosis? His verbal is extremely low but performance is fairly high?

Answer: No, not unless the student is severely cognitively impaired.

22. Do you envision that as MO rolls out standards-based IEPs that DESE will have a web-based on-demand IEP system that would be consistent across the state or at least available for districts if they choose?

Answer: We are exploring a state-wide IEP system; MO-CASE is conducting a survey on this issue as we need to know if there is widespread support for this before pursuing.

23. Can MAP-A scores be appealed?

Answer: I wasn't sure if there was a formal process; however, I did know that some school districts did contact ARC and were able to have the scores reviewed and rescored. ARC indicates: Appeals for both MAP and MAP-A scores are processed through one access point at DESE. Here is a link below for the appeal procedures and a fax-back form.

<http://dese.mo.gov/divimprove/sia/dar/appealsprocedures.html>

ARC is happy to speak with anyone who has questions about a MAP-A report, a score, or the scoring process.

24. Can permit for both initial services and initial placement be on the same notice?

Answer: Yes, the notice/consent can combine these two. The concept of initial placement appears to have been replaced with initial services. See #27 and #28 below.

25. Is it true that districts have to submit a letter of explanation if all of their MAP-A portfolios obtain advanced or proficient?

Answer: An explanation only has to be submitted if the district exceeds 1%. Then the district would submit an explanation seeking an exemption and justifying the excess.

26. MO-VIP - if we do an evaluation of a child in MOVIP program that qualifies for ED due to behaviors seen last school year and we are just now finishing up the evaluation - how do we write up an IEP if we don't know how it affects his current parental placement in MOVIP?

Answer: The IEP should be developed as you would any other; it will document that you are ready, willing, and able to provide a free appropriate public education. If the parent decides to decline your offer of services, that is their choice. If the IEP team believes that MoVIP is the way to offer FAPE, either partially or as a full-time program, then the IEP would provide for that.

27. For out of state transfers 550.60 refers to "obtaining parental consent for initial services" and 550.140 refers to "obtained parental consent for initial placement". Are these supposed to be separate notices for different situations?

Answer: This is an error in the standards and indicators document - the word "placement" should have been replaced with services. We are keeping a list of errors and will correct the document.

28. Debbie Stenner: Initial services and initial placement are the same?

Answer: Under the new federal regulations the concept of consent for initial placement appears to have been replaced with consent to initial services. In Missouri, where placement is decided on at the initial IEP meeting, the written notice is in a sense covering both; but really it appears that the consent needed is for initial services.

29. Do IEP students who have been returned to regular ed during the 12th grade year, and graduate as a regular ed student, negatively affect a district's IEP graduation rate on the Special Education profile? If that's the case, that seems quite unfair. We are charged with LRE and returning a child to reg ed when they no longer require services. In a small district, if 5 seniors are returned to reg ed

during their senior year, our graduation rate suffers significantly. How do we reconcile this?

Answer: In most cases the students who are exited from special education in their senior year should not impact statistically the graduation rate. It is not clear why 5 seniors in a school district would suddenly be exited from special education. In terms of LRE, perhaps the students might benefit from regular education placement, but that would not mean that they would be exited from special education, just that their placement would be in a regular education environment.

30. My experience on the graduation rate is that dismissal did affect the rate greatly. We had dismissed some kids as they were not taking classes that we effected by their disability. We will not do that again.

Answer: You may want to review the exiting issue; students should not be exited from special education on the basis of nonattendance.

31. How do student w/ no internet at home access MO-VIP when called for by IEP?

Answer: A student without access to the internet cannot access MoVIP.

32. Early Intervention Services: Can you provide a short discussion regarding the process involved in getting this service implemented?

Answer: Will consider this for future webstream topic. Please send me more specific information about what you had in mind - you can e-mail that directly to me.

33. Standards and Indicators 200.110 and 200.1120 addresses consent for initial services and initial placement. Are these two separate notices and only the initial services only requires a signature?

Answer: See answer to #27 and #28 above. The word "placement" should read "services."

34. Has DESE approved RtI for SLD identification only or is it accepted for ED and MR too?

Answer: IDEA only provides for the use of RtI for SLD identification. While RtI can be used as a system of intervention in a school for all kids, for purposes of IDEA eligibility it is only used for SLD.

34. Please repeat: is it 1% of the total district population or is it 1% of the students taking MAP (not all grades take MAP)?

Answer: 1% of the students taking the MAP at that grade and subject.

35. What are the timelines for the 2%?

Answer: We will revisit the issue of development of a 2% modified assessment next summer.

36. What is the Nov. 6th topic?

Answer: Not sure yet. Help me decide.

37. What time on the 6th?

Answer: 11:45am

38. Is that a state holiday? Election day?

Answer: No. We do get a lot of state holidays, but not that one!

39. Wondering what you thought of the speech/language info presented Monday at MOCASE?

Answer: Thought the session was great, Diane Golden did a wonderful job, the data was very impressive. Clearly, we have been over identifying kids as disabled in this area because we wanted to get them speech help.

40. I understand that the district is to appoint a case manager for each State School Child. Are they to be listed on the IEP as the Case Manager or is the State School employee. The comment regarding a district case manager for a SSSH student was mentioned in the Standards & Indicators Manual training yesterday.

Answer: I did not realize that we had added this as a requirement in the Standards and Indicators document; we are reviewing this to determine whether to delete this.

41. Student does NOT attend a non-public school. Student is being "instructed" by parent at home in the morning and wants to drop student off at school for school-based therapies. Is that an ISP student?

Answer: A student who is being instructed at home, is a homeschooled child, and is treated as a private school child. Therefore, provision of therapies would be in the context of a Services Plan, assuming the district needed to provide this to meet their proportionate share obligations.

42. Concerning our district sped profile- why is the state now using census data from "2003 estimates" to calculate ECSE participation rate -I'm concerned that these are just estimates and not accurate 120.

Answer: The 2003 estimates are the most recent we have available to us at this point. The other alternative would be to continue using the actual 2000 census data, and if the demographer is doing his job, the 2003 estimates should be more accurate than the actual data from 2000.

43. If a student transfers to a district and is placed in a home with caretakers full time by DFS, and the district decides to serve the student at home, what is the correct placement setting? We are sending the school work home. The student is dangerous to himself and others and we are not sending a teacher there.

Answer: Placement would be homebound. But providing school work is not providing homebound services. A teacher must implement the services. If the child is too dangerous to send a teacher there, district needs to pursue other options, such as an injunction. Consult your school district lawyer.

44. If a parent chooses to bring their student to school for only a portion of the school day, should this be considered an ISP and should teams re-meet to write an ISP versus an IEP?

Answer: If the child is of mandatory school age, and he is only coming to school for a portion of the day, then I am assuming the parent is either homeschooling or has him enrolled part time in a private school. Either way, he is treated as a private school kid and would only receive services provided for in a Services Plan, assuming the district needs to provide those services to meet its proportionate share obligation.

45. Aren't you informing parents that the other children are IEP students when you allow observations in a self contained classroom? That would seem like a violation of confidentiality?

Answer: While it is true that a parent observing their child in a self-contained classroom will know that the other children in the class are also IEP students, it is likely that they already knew who their child's classmates were, and that nothing "confidential" was revealed.

46. Can a homeschooled student come in for JUST related services or must those related services be attached to some specialized instruction provided at the school?

Answer: A homeschooled child is treated in Missouri as a private school child, so they would only be offered services through a Services Plan, and only if the district needed to offer services to meet its proportionate share obligation. This means that a district might decide to offer only related services. The best example might be speech therapy.

47. Concerning homeschooling and related services... Dr. states that medically the student can not leave the home for services... must we provide services in the home?

Answer: The district would need to make a decision about whether in fact they agreed the child could not leave the home. If the district would have provide homebound services to the child, if the child had been a public school child, then the district may be willing to provide the services at the home. However, remember, the district gets to decide how to meet its proportionate share obligation. So for this homeschooled child, the district could just decide not to provide services at all.



48. If a student is being served in another district (per IEP team decision), who is responsible to administer MAP and can report for reimbursement on child count?

Answer: The "resident" district would be held accountable; even though they are paying tuition for the student to receive services somewhere else. But the test is administered by the serving district. The resident district reports the child for child count purposes.

Here is a link to a document that might help.

<http://dese.mo.gov/divadm/govern/athomedistrict.pdf>

Item number 2 is attempting to address these types of situations.

49. Under the 1400 Specific Learning Disabilities, can you please tell me what 1400.50e would look like?

Answer: We do not expect the evaluation report to include detailed information reflecting lists of formal assessments of achievement and the dates (such as reports from the DIBELS, DRA, STAR tests etc) and results of each assessment given. These records, including information on dates and types of information given to the parent related to these assessments would be kept in the child's educational record and would be available should it ever be requested as part of monitoring or evidence related to a child complaint. The evaluation report would simply include a statement indicating that the team reviewed as part of their evaluation, data based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction. Reports on these assessments were provided to the parent at reasonable intervals.